



Department of Justice  
Canada

Ministère de la Justice  
Canada

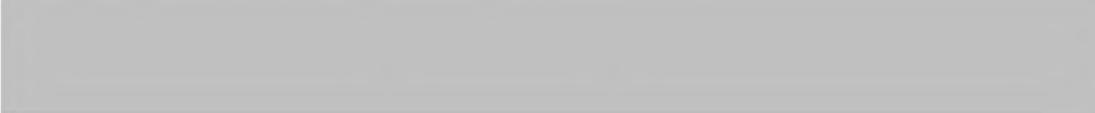
NUMERO DU DOSSIER/FILE #: 2014-017505

COTE DE SECURITE/SECURITY CLASSIFICATION: Protected B

**TITLE: Approval to Distribute Informative/Training Materials on Bill C-36, the *Protection of Communities and Exploited Persons Act***

**SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY**

- Your approval is sought to distribute informative/training materials on Bill C-36, the *Protection of Communities and Exploited Persons Act*, to law enforcement agencies, criminal law justice practitioners, and stakeholders.
- Bill C-36, which came into force on December 6, 2014, reflects a significant paradigm shift toward treatment of prostitution as a form of sexual exploitation that disproportionately impacts on women and girls.

- 
- Accordingly, Justice Canada officials have developed informative/training materials on Bill C-36, including a Deck, a Fact Sheet, and a "Frequently Asked Questions."

- 

Approbation/signature du ministre demandée pour le/Minister's signature/approval requested by:

**January 9, 2015**

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh/Scott Nesbitt

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: January 7, 2014



Protected B  
FOR APPROVAL

2014- 017505

## MEMORANDUM FOR THE MINISTER

### Approval to Distribute Informative/Training Materials on Bill C-36, the *Protection of Communities and Exploited Persons Act*

#### ISSUE

Your approval is sought to distribute informative/training materials on Bill C-36, the *Protection of Communities and Exploited Persons Act*, to law enforcement agencies, criminal law justice practitioners, and stakeholders. Your approval is sought as soon as practical given that the criminal law reforms on prostitution came into force on December 6, 2014.

#### BACKGROUND

Bill C-36, which responds to the Supreme Court of Canada's December 2013 *Bedford* decision, came into force on December 6, 2014. Bill C-36 reflects a significant paradigm shift away from the treatment of prostitution as "nuisance" toward treatment of prostitution as a form of sexual exploitation that disproportionately impacts on women and girls.

Bill C-36 creates new prostitution offences, which include: purchasing sexual services and communicating in any place for that purpose; advertising the sale of sexual services; receiving a material benefit derived from the prostitution of others; and communicating for the purpose of selling sexual services in public places that are, or are next to, school grounds, playgrounds, or day care centres. It also modernizes the procuring offences and immunizes from criminal liability those who sell their own sexual services for any part they may play in the purchasing, material benefit, procuring, or advertising offences in relation to the sale of their own sexual services.

s.14  
s.21(1)(b)

informative/training materials on Bill C-36 were developed by Justice Canada officials, including:

- A Deck which provides an overview of the criminal law reforms on prostitution, the new legislative objectives, as well as the new and modernized offences (all of which is derived from Bill C-36's public record);
- A Fact Sheet which explains the scope of each offence, including information about penalties, immunities, and exceptions in order to guide their proper enforcement;

- A "Frequently Asked Questions" which provides concise responses to the most commonly asked questions or misconceptions about the Bill.

These products are attached at Annex 1 and a list of potential recipients of these products is attached at Annex 2. To date, the deck has been distributed to senior FPT justice officials and a draft version of all three products has been shared with RCMP officers. Justice Canada officials have received positive feedback regarding the products' usefulness.

#### CONSIDERATIONS

s.14

s.21(1)(b)

s.23



## RECOMMENDATION

It is recommended that you approve the distribution of the informative/training materials on Bill C-36, which have been developed by Justice Canada officials, to law enforcement agencies, criminal law justice practitioners, and stakeholders.

## ANNEXES [2]

Annex 1: Deck, Fact Sheet and FAQ  
Annex 2: List of Stakeholders

**PREPARED BY**  
Mylène Tremblay  
Counsel  
Criminal Law Policy Section  
613-957-4713

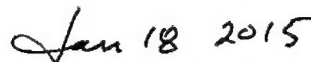
☒ **I CONCUR.**

☐ **I DO NOT CONCUR.**

☐ **OTHER INSTRUCTIONS:**



The Honourable Peter MacKay



Date



# DEPARTMENT OF JUSTICE

## ***Bill C-36, Protection of Communities and Exploited Persons Act***

**November 2014**



Department of Justice  
Canada

Ministère de la Justice  
Canada

Canada

S E R V I N G C A N A D I A N S



## Law Reform

---

Bill C-36, the Protection of Communities and Exploited Persons Act (S.C. 2014, C.25) came into force on December 6, 2014:

- Treats prostitution as a dangerous and exploitative practice that is harmful to those involved, disproportionately women and girls, communities and society (legislative objectives)
  - Creates new prostitution offences
  - Modernizes prostitution and related offences
  - Amends definition of “weapon”



S E R V I N G C A N A D I A N S



## New Legislative Objectives

### New Legislative Objectives

- Reduce incidence of prostitution, with a view to abolishing it to greatest extent possible
- Protect those who sell their own sexual services, encourage them to report incidents of violence and leave prostitution
- Denounce third party profiteering, especially in commercialized contexts, e.g., strip clubs, massage parlours, escort agencies
- Protect communities from harms caused by prostitution

### Sources

- Bill C-36 Preamble
- Minister of Justice's statements at Parliamentary Committees (July 7, 2014 and September 9, 2014)
- Justice Canada's Bill C-36 Technical Paper (July 2014, updated November 2014, online)



S E R V I N G C A N A D I A N S



## New Prostitution Offences

- Purchasing sexual services, or communicating in any place for that purpose (section 286.1)
  - Makes prostitution transaction illegal
- Receiving a financial or material benefit from the prostitution of others (section 286.2)
  - Exceptions for non-exploitative relationships
    - Legitimate living arrangements (e.g., children, spouses, roommates)
    - Legal/moral obligations (e.g., supporting a disabled parent, gifts)
    - Goods and services offered to general public (e.g., accountants, landlords, pharmacists, security companies)
    - Goods and services offered informally (e.g., babysitting or protective services)
  - No exceptions where violence, coercion, abuse of power, procuring, commercial enterprise offering sex services



S E R V I N G C A N A D I A N S



## New Prostitution Offences (cont'd)

---

- Advertising the sale of others' sexual services (section 286.4)
    - Publishers/website administrators can be held criminally liable as parties
    - Includes authority to seize materials containing such advertisements, to order such an advertisement to be removed from the Internet, and to require the provision of information that would identify and locate the person who posted it
  - Communicating for the purpose of selling sexual services in public places that are or are next to school grounds, playgrounds or day care centres (subsection 213(1.1))
  - Immunizes from criminal liability those who sell their own sexual services regarding the part they play in purchasing, material benefit, procuring and advertising offence (section 286.5)
- 



S E R V I N G C A N A D I A N S



## Modernized Prostitution and Related Offences

---

- Procuring a person to offer or provide sexual services or recruiting/harboursing that person to facilitate new purchasing offence (section 286.3)
- Child prostitution offences: new aggravated forms of purchasing, material benefit and procuring offences, with increased penalties
- Stopping motor vehicles/impeding pedestrian/vehicular traffic in public places for purpose of purchasing or selling sexual services (paragraphs 213(1)(a) and (b))
- Trafficking Offences (sections 279.01 to 279.03)
  - Consistency between penalties for trafficking and prostitution offences



S E R V I N G C A N A D I A N S



## Commercial Enterprises

- New purchasing offence makes commercial enterprises based on purchase of sexual services illegal
- Third parties who receive material benefits in the context of commercial enterprises are criminalized (see paragraph 286.2(5)(e)), e.g., knowingly working as a bouncer/bartender/receptionist etc. for a strip club, massage parlour or escort agency that offers sexual services for sale
- Receiving material benefit in a commercialized context is aggravating factor for sentencing purposes (subsection 286.2(6))
- Procuring offence may also apply if third parties actively involve themselves in provision of others' sexual services
- Selling sexual services independently or cooperatively with others (e.g., pooling resources) does not constitute "commercial enterprise", provided that sellers retain only proceeds from sale of their own sexual services BUT purchasers always criminalized



Department of Justice  
Canada

Ministère de la Justice  
Canada

S E R V I C E C A N A D I A N S



## Amends Definition of Weapon

---

- Amends definition of “weapon” (section 2) to include anything used or intended to be used to restrain a person against their will (e.g., handcuffs, rope, duct tape)
- Impacts three offences:
  - Possession of weapon with intent to commit offence (section 88)
  - Assault with a weapon (section 267)
  - Sexual assault with a weapon (section 272)



**Prostitution Criminal Law Reform:**  
**Bill C-36, the *Protection of Communities and Exploited Persons Act***  
**In force as of December 6, 2014**

**Fact Sheet**

Bill C-36, the *Protection of Communities and Exploited Persons Act*, received Royal Assent on November 6, 2014. Bill C-36 treats prostitution as a form of sexual exploitation that disproportionately impacts on women and girls. Its overall objectives are to:

- Protect those who sell their own sexual services;
- Protect communities, and especially children, from the harms caused by prostitution; and
- Reduce the demand for prostitution and its incidence.

The new criminal law regime seeks to protect the dignity and equality of all Canadians by denouncing and prohibiting the purchase of sexual services, the exploitation of the prostitution of others, the development of economic interests in the sexual exploitation of others and the institutionalization of prostitution through commercial enterprises, such as strip clubs, massage parlours and escort agencies that offer sexual services for sale. It also seeks to encourage victims to report incidents of violence to the police and to leave prostitution. Toward that end, \$20 million in new funding has been dedicated to help individuals exit prostitution.

Bill C-36 contains prostitution and human trafficking-related amendments. It also includes an amendment to the *Criminal Code*'s definition of "weapon". These amendments are explained below.

**Prostitution Offences**

Bill C-36 enacts new prostitution offences and modernizes old ones:

**1) Purchasing Offence:**

- Obtaining sexual services for consideration, or communicating in any place for that purpose (section 286.1)
- Those who sell their own sexual services are protected from criminal liability for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

Adult victim (subsection 286.1(1))

- Dual procedure offence with maximum penalties of 5 years imprisonment if prosecuted on indictment and 18 months if prosecuted by summary conviction
- Escalating mandatory minimum fines starting at \$500 on summary conviction for a first offence, including higher mandatory minimum fines if the offence is prosecuted by indictment, is a subsequent offence or is committed in a public place that is or is

next to parks, schools, religious institutions or places where children can reasonably be expected to be present

Child victim (subsection 286.1(2))

- Indictable offence with maximum penalty of 10 years imprisonment and mandatory minimum penalties of 6 months imprisonment for a first offence and one year for subsequent offences

**Explanation:**

This offence criminalizes purchasing sexual services, or communicating in any place for that purpose, for the first time in Canadian criminal law. Since prostitution is a transaction that involves both the purchase and the sale of sexual services, the new purchasing offence makes prostitution illegal; every time the prostitution transaction takes place, an offence is committed by the purchaser.

**2) Advertising Offence:**

- Knowingly advertising an offer to provide sexual services for consideration (section 286.4)
- Those who sell their own sexual services are protected from criminal liability for committing this offence if they advertise their own sexual services (paragraph 286.5(1)(b)), or for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

- Dual procedure offence with maximum penalties of 5 years imprisonment if prosecuted by indictment and 18 months if prosecuted by summary conviction

**Explanation:**

This offence criminalizes advertising the sale of sexual services, also for the first time in Canadian criminal law. This new offence applies to individuals who advertise the sale of another person's sexual services, including in print media, on websites or in locations that offer sexual services for sale, such as erotic massage parlours or strip clubs.

The offence also applies to publishers or website administrators, if they know that the advertisement exists and that it is in fact for the sale of sexual services. The new laws also allow the court to order the seizure of materials containing advertisements for the sale of sexual services, as well as their removal from the Internet, regardless of who posted them. However, the new laws protect from criminal liability a person who advertises the sale of their own sexual services.

**3) Material Benefit Offence:**

- Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing offence (section 286.2)
- Those who sell their own sexual services are protected from criminal liability for committing this offence if the only benefit they receive is from the sale of their own

sexual services (paragraph 286.5(1)(a)), or for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

Adult victim (subsection 286.2(1))

- Indictable offence, with a maximum penalty of 10 years imprisonment

Child victim (subsection 286.2(2))

- Indictable offence, with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years imprisonment

**Exceptions:**

This offence does not prevent those who sell their own sexual services from entering into legitimate family and business relationships, or otherwise interacting with others, on the same basis as anyone else. In this regard, no offence is committed in the following contexts, which are exceptions to the material benefit offence:

- Legitimate living arrangements (e.g., children, spouses, roommates, paragraph 286.2(4)(a));
- Legal or moral obligations (e.g., supporting a disabled parent, gifts, paragraph 286.2(4)(b));
- Goods and services offered to the general public (e.g., accountants, landlords, pharmacists, security companies, paragraph 286.2(4)(c)); and,
- Goods and services offered informally for fair value (e.g., babysitting or protective services, paragraph 286.2(4)(d)).

However, none of these exceptions apply if a person otherwise entitled to one of the exceptions listed above:

- Used, threatened to use or attempted to use violence (paragraph 286.2(5)(a));
- Abused a position of trust, power or authority (paragraph 286.2(5)(b));
- Provided any intoxicating substances to encourage the sale of sexual services (paragraph 286.2(5)(c));
- Engaged in conduct that would amount to procuring (paragraph 286.2(5)(d)); or,
- Received the benefit in the context of a commercial enterprise that offers sexual services for sale (paragraph 286.2(5)(e)).

**Explanation:**

This offence criminalizes receiving money or other material benefit from the prostitution of others in exploitative circumstances, including in the context of a commercial enterprise that offers sexual services for sale. This means that it is illegal to earn money by owning, managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there.

Since the new law protects from criminal liability those who receive money from the sale of their own sexual services, the material benefit offence does not apply to sellers of sexual services, including when they work together cooperatively and pool resources to pay for legitimate goods or services, provided that they keep only the earnings from

the sale of their own sexual services. In these circumstances, the only person who commits an offence is the purchaser of sexual services.

**4) Procuring Offence:**

- Procuring a person to offer or provide sexual services for consideration (section 286.3); or,
- For the purpose of facilitating the purchasing offence, recruiting, holding, concealing or harbouring a person who offers or provides sexual services for consideration, or exercising control, direction or influence over the movements of that person (section 286.3)
- Those who sell their own sexual services are protected from criminal liability for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

Adult victim (subsection 286.3(1))

- Indictable offence, with a maximum penalty of 14 years imprisonment

Child victim (subsection 286.3(2))

- Indictable offence with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 5 years imprisonment

**Explanation:**

This offence criminalizes active involvement in the prostitution of others. For example, a person procures another for prostitution if they cause or induce that person to sell sexual services. This distinguishes the procuring offence from the material benefit offence, which requires only passive involvement in the prostitution of others. For example, a "classic pimp" is likely to be guilty of both the procuring offence and the material benefit offence, because the pimp both induces another person to sell sexual services and receives money from the sale of those services. In contrast, a "bouncer", who works at a strip club, knowing that prostitution takes place there, may only receive money from the sale of sexual services. In such a case, the bouncer would only be guilty of the material benefit offence.

**5) Communicating Offence:**

- Communicating for the purposes of offering or providing sexual services for consideration in public places that are or are next to school grounds, playgrounds or daycare centres (subsection 213(1.1))

**Penalty:**

- Summary conviction offence with a maximum penalty of 6 months imprisonment

**Explanation:**

This offence criminalizes communicating for the purposes of selling sexual services in public places that are or are next to specific locations that are designed for use by children, i.e., school grounds, playgrounds, and daycare centres.



## **Trafficking in Persons Offences**

Bill C-36 harmonizes the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked:

### **1) Main Trafficking Offences:**

- Recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person, or exercising control direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation (sections 279.01 and 279.011)

#### **Penalty:**

##### Adult victim (section 279.01)

- Indictable offence with a maximum penalty of life imprisonment and a mandatory minimum penalty of 5 years if kidnapping, aggravated assault, aggravated sexual assault or death results and a maximum penalty of 14 years and a mandatory minimum penalty of 4 years in all other cases

##### Child victim (section 279.011)

- Indictable offence with a maximum penalty of life imprisonment and a mandatory minimum penalty of 6 years if kidnapping, aggravated assault, aggravated sexual assault or death results and a maximum penalty of 14 years and a mandatory minimum penalty of 5 years in all other cases

### **2) Material Benefit Offence:**

- Receiving a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of a human trafficking offence (section 279.02)

#### **Penalty:**

##### Adult Victim (subsection 279.02(1))

- Indictable offence with a maximum penalty of 10 years imprisonment

##### Child Victim (subsection 279.02(2))

- Indictable offence with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years

### **3) Documents Offence:**

- Concealing, removing, withholding or destroying travel or identity documents for the purpose of facilitating a human trafficking offence (section 279.03)

#### **Penalty:**

##### Adult Victim (subsection 279.03())

- Indictable offence with a maximum penalty of 5 years imprisonment

Child Victim (subsection 279.02(2))

- Indictable offence with a maximum penalty of 10 years imprisonment and a mandatory minimum penalty of 1 year

**Explanation:**

Research shows that increased demand for sexual services leads to higher rates of human trafficking for sexual exploitation to meet the demand. Research also shows that the decriminalization of prostitution leads to increased demand for sexual services. The human trafficking offences address the most egregious human rights abuses that take place in the context of prostitution.

**Definition of Weapon**

Bill C-36 amends the *Criminal Code*'s definition of "weapon" (section 2) to include anything used or intended to be used to restrain a person against their will (e.g., handcuffs, rope, duct tape). This amendment applies to three offences:

- Possession of a weapon with intent to commit an offence (section 88)
- Assault with a weapon (section 267)
- Sexual assault with a weapon (section 272)

**Explanation:**

A person, who possesses handcuffs, rope, duct tape or other items of restraint with intent to commit an offence, including assault or sexual assault, is guilty of an offence under section 88. A person who uses an item of restraint to commit an assault or sexual assault is guilty of the more serious form of those offences: assault with a weapon or sexual assault with a weapon, as the case may be.

For more information on the law reform implemented by Bill C-36 and the research on which it is based, please see:

<http://www.justice.gc.ca/cng/rp-pr/other-autre/protect/index.html>.

Protected  
2014-016406

## Qs & As

### **Prostitution Criminal Law Reform: Bill C-36, the *Protection of Communities and Exploited Persons Act* In force as of December 6, 2014**

#### **FREQUENTLY ASKED QUESTIONS (FAQ)**

**Q1 Is prostitution a legal activity?**

**A1** No.. The effect of Bill C-36 is to criminalize prostitution. Prostitution is a transaction that involves both the purchase and the sale of sexual services. Bill C-36's new offence that prohibits purchasing sexual services makes the prostitution transaction illegal. This means that purchasing sexual services is illegal and businesses that profit from the prostitution transaction are also illegal.

**Q2 Can a person purchase sexual services?**

**A2** Purchasing sexual services and communicating in any place for that purpose is now a criminal offence for the first time in Canadian criminal law. A person convicted of this new offence may be sentenced to up to 5 years imprisonment if prosecuted on indictment, and 18 months if prosecuted by summary conviction. Mandatory minimum fines also apply, including higher mandatory minimum fines if the offence is committed in a public place that is or is next to parks, schools, religious institutions or places where children can reasonably be expected to be present. A person convicted of purchasing sexual services from a person under the age of 18 years may be sentenced to up to 10 years imprisonment. Mandatory minimum penalties of 6 months imprisonment for a first offence and one year for subsequent offences also apply.

The new purchasing offence applies to transactions that take place over the Internet, such as paying someone to provide a sexual service in front of a webcam.

**Q3 Can a person sell sexual services?**

**A3** The new prostitution laws do not criminalize the sale of sexual services. They also protect those who sell their own sexual services from criminal liability for any part they may play in the prostitution offences that prohibit purchasing sexual services, advertising those services, receiving a material benefit from the prostitution of others or procuring others for the purpose of prostitution.

This means that the new laws do not prevent sellers from taking certain safety measures, should they continue to sell sexual services. These safety measures include selling sexual

services, whether independently or cooperatively, from fixed indoor locations, hiring legitimate bodyguards who do not engage in exploitative behaviour and negotiating safer conditions for the sale of sexual services in public places that are not near school grounds, playgrounds or day care centres. Communicating for the purposes of selling sexual services in public places that are or are next to school grounds, playgrounds or day care centres is a criminal offence with a maximum penalty of 6 months imprisonment.

However, purchasers of sexual services are always criminalized for their role in the prostitution transaction. The new prostitution laws are intended to reduce both the purchase and the sale of sexual services.

**Q4 The new purchasing offence prohibits "obtaining sexual services for consideration". What is a "sexual service" and what does "obtaining a sexual service for consideration" mean?**

**A4** A "sexual service" is a service that is sexual in nature and whose purpose is to sexually gratify the person who receives it. "Obtaining a sexual service for consideration" involves an agreement for a specific sexual service in return for payment or another kind of consideration, including drugs or alcohol. It doesn't matter whether payment is made by the person who receives the sexual service or by another person.

Activities that amount to "obtaining a sexual service for consideration", if a person pays for them, include: sexual intercourse; masturbation; oral sex; lap-dancing, which involves sitting in a person's lap and simulating sexual intercourse; and, sado-masochistic activities, provided that the acts can be considered to be sexually stimulating or gratifying.

**Q5 Can a person advertise the sale of their own sexual services?**

**A5** The new advertising offence criminalizes advertising the sale of sexual services. But the new laws also protect from criminal liability a person who advertises the sale of their own sexual services. This means that the offence applies to people who advertise the sale of others' sexual services, including in print media, on websites or in locations that offer sexual services for sale, such as erotic massage parlours or strip clubs.

The offence also applies to publishers or website administrators, if they know that the advertisement exists and that it is in fact for the sale of sexual services.

The new laws also allow the court to order the seizure of materials containing advertisements for the sale of sexual services, as well as their removal from the Internet, regardless of who posted them.

**Q6 Can a person manage, work for, or otherwise participate in, a business that offers sexual services for sale?**

**A6** Receiving money or any other material benefit from the prostitution of others in the context of a commercial enterprise that offers sexual services for sale is a criminal offence. Such a commercial enterprise necessarily involves third parties who profit from the sale of others' sexual services. This means that it is illegal to earn money, for example, by managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there.

But the new law protects from criminal liability people who receive money from the sale of their own sexual services. If the business does not involve anyone other than sellers of sexual services, who keep only the earnings from the sale of their own sexual services, and people who provide legitimate goods and services to them, the business is not a commercial enterprise. In these circumstances, the only person who commits an offence is the purchaser of sexual services.

**Q7 Can a person live with another person who sells sexual services?**

**A7** The new laws do not prevent people who sell their own sexual services from entering into legitimate family relationships on the same basis as anyone else. This means that a family member or roommate of a person who sells their own sexual services does not commit an offence, unless the family member or roommate exploits the person who sells their own sexual services.

**Q8 Can a person sell goods or services to people who sell their own sexual services?**

**A8** The new laws do not prevent people who sell their own sexual services from entering into legitimate business relationships on the same basis as anyone else. This means that a person who receives money for providing goods or services to a person who sells their own sexual services does not commit an offence as long as the goods or services are offered to the general public on the same terms and conditions and there is no exploitation.

If the person who receives money for providing goods and services to a person who sells their own sexual services does not offer the goods or services to the general public, but the amount of money received reflects the value of the good or service provided, no offence is committed as long as the person who provided the goods or services does not encourage the other person to sell sexual services and there is no exploitation.

**Q9 Can a person accept gifts or other things from people who use the earnings they made from selling their own sexual services to buy them?**

**A9** The new laws do not prevent people who sell their own sexual services from interacting with others on the same basis as anyone else. This means that a person who receives gifts

or other things from a person who sells their own sexual services does not commit an offence, as long as there is no exploitation.

**Q10 Why do the new laws make prostitution illegal, instead of legalizing prostitution and regulating it?**

**A10** Recent international studies show that jurisdictions that have decriminalized or legalized prostitution have larger sex industries and higher rates of human trafficking for sexual exploitation than those that seek to reduce the incidence of prostitution. This means that legalizing and regulating prostitution would result in more people being subjected to prostitution. Research shows that the majority of those who sell their own sexual services are women and girls and marginalized groups, such as Aboriginal women and girls, are disproportionately represented. Research also shows that prostitution is an extremely dangerous activity that poses a risk of violence and psychological harm to those subjected to it, regardless of the venue or legal framework in which it takes place, both from purchasers of sexual services and from third parties.

Bill C-36's reforms target those who create the demand for sexual services, and those who capitalize on that demand. This approach is intended to protect the vulnerable people targeted by prostitution, the communities in which prostitution is practised and society itself, by sending a strong message that everyone is entitled to dignity and respect. Prostitution allows men, who are primarily the purchasers of sexual services, paid access to female bodies. Condoning a clearly gendered practice by legalizing and regulating it would demean and degrade the human dignity of all women and girls. The human body is not a commodity to be bought and sold.

For more information on the law reform implemented by Bill C-36 and the research on which it is based, please see:

<http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/index.html>.

**PREPARED BY**

Nathalie Levman, Counsel

Mylène Tremblay, Counsel

Criminal Law Policy Section

613-952-7302//613-957-4713

Revised December 10, 2014

## ANNEX 2

### List of Stakeholders

1. Coordinating Committee of Senior Officials – Criminal Justice
2. Law Enforcement Agencies
3. Federal, Provincial and Territorial Heads of Prosecution
4. Federation of Canadian Municipalities
5. Canadian Bar Association
6. Federation of Law Societies of Canada
7. Criminal Lawyers' Association
8. Legal Aid Services
9. Aboriginal Court Workers

**Pages 24 to / à 25  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**15(1), 21(1)(a), 21(1)(b)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**



**Pages 26 to / à 27  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**15(1), 21(1)(a), 21(1)(b), 23**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 28 to / à 29  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**15(1), 21(1)(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**